

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2020-218-E - ORDER NO. 2021-299

MAY 4, 2021

IN RE: Alex Kadoshnikov, Complainant/Petitioner v. Duke Energy Carolinas, LLC, Defendant/Respondent) ORDER RULING ON) PETITION FOR) RECONSIDERATION) AND MOTION TO) STRIKE
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This matter comes before the Public Service Commission of South Carolina (“the Commission”) on the December 31, 2020 Petition for Reconsideration of Commission Order No. 2020-753 of Duke Energy Carolinas, LLC (“Duke” or “Company”). Order No. 2020-753 denied Duke’s Motion to Dismiss the Complaint of Alex Kadoshnikov due to the question of fact regarding the relocation of Mr. Kadoshnikov’s meter. At the time of the Petition, the issue of fact did still exist. Additionally before the Commission is Duke’s December 18, 2020 Motion to Strike, in its entirety, the testimony filed by Mr. Kadoshnikov on December 8, 2020.

Regarding Duke’s Petition for Reconsideration, the question is whether, in the light most favorable to Mr. Kadoshnikov, and with every doubt resolved in his behalf, the Complaint stated any valid claim for relief. Toussaint v. Ham, 292 S.C. at 416, 357 S.E.2d at 9 (1987) (citing 5 C. Wright & A. Miller, Federal Practice and Procedure Section 1357 (1969)). Despite protestations to the contrary by Duke in its Petition for Reconsideration, it is clear that the meter relocation option suggested by Mr. Kadoshnikov created a question

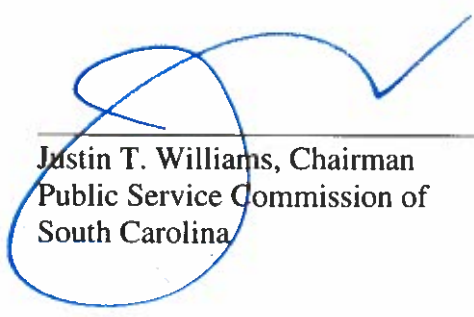
of fact as to whether or not the meter can be relocated as provided under the Company's tariff. As we held in Order No. 2020-753, whether the alternative location suggested by Mr. Kadoshnikov presents any concerns regarding accessibility or if the Company has any additional issues concerning relocation further created a question of fact to be determined by the Commission. Accordingly, this portion of the Petition for Reconsideration must be denied.

Duke also alleges in its Petition that the defense of *res judicata* raised by it must be affirmatively ruled upon by the Commission. In essence, Duke has filed a SCRC 12(b)(6) Motion to Dismiss, as shown by its Petition for Reconsideration at page 2. Even though the Commission did not rule on this defense in Order No. 2020-752, this Commission still has the opportunity to rule on the defense at a later date. This portion of the Petition for Reconsideration is also denied.

The Motion by Duke to strike the testimony of Mr. Kadoshnikov is carried over at this time. It is duly noted that Mr. Kadoshnikov filed more than 800 pages of direct testimony on December 8, 2020, which consists of quotes, excerpts, and screenshots from websites; online articles; lab test results; a 416-page article entitled "Irradiated"; and other statements and materials related to health risks and privacy concerns associated with meters. The Motion to Strike shall be considered at a later date.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Justin T. Williams, Chairman
Public Service Commission of
South Carolina